



pennsylvania

OFFICE OF OPEN RECORDS

2023 Agency Website Review

An analysis of the Right-to-Know Law request information provided on local and state government websites across Pennsylvania

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INTRODUCTION

Beginning in May of 2021, the Pennsylvania Office of Open Records (OOR) conducted a review of the ways in which local and Commonwealth agencies post information on their websites explaining how to submit Right-to-Know Law (RTKL) requests. This biannual review was first launched to consider the optimal practices for communicating this information to the public in a way that is accessible, easy to understand, and complies with RTKL requirements. Work on the second report began in June of 2023 and the results and analysis are outlined below

The RTKL requires any agency maintaining a website to provide basic records request information.¹ Beyond satisfying this authorized requirement, agencies should strive to make the submittal process straightforward and easy. Incomplete, confusing, difficult to find, or nonexistent information is a major deterrent to transparency and, in turn, accountability. A citizen's inability to find this RTKL information could lead him or her to assume that an agency is not subject to the RTKL or to simply give up and refrain from filing a request. Also, missing information is a contributing factor to misdirected requests that the OOR, and other agencies, receive every year.

The results of this review are varied. A majority (84 percent) of the agencies in the sample meet the basic requirement of posting information. However, just 73 percent provide all three of the required pieces of information.² All agencies across Pennsylvania should utilize the following findings of this report to review their webpage and post the legally required RTKL information. None of the requirements are complex; for example, providing contact information for the OOR is often a simple copy and paste on to any webpage.

¹ 65 P.S. §§ 67.101 et seq.

² Agency Open Records Officer contact information, OOR contact information, and a request form are the three required pieces of information. An agency is not required to have regulations, policies, and procedures relating to the RTKL, but must provide them if they do exist.

METHODOLOGY³

The OOR sampled 96 agencies across Pennsylvania and reviewed what RTKL information each provides and the ease of finding that information on each agency's website. The sample includes Commonwealth agencies, counties, cities, townships, boroughs, school districts, charter schools, cyber charter schools, municipal authorities, police departments, community colleges, and PASSHE universities. A full list of the sample can be found in "Appendix A" below.

The OOR will continue to conduct this biannual review and to work with both the public and agencies to ensure that their webpages comply with all RTKL requirements.

³ Members of the public were invited to submit the names of agencies that they would like to see included in the report.

MEETING THE REQUIREMENTS

Section 504(b) of the RTKL requires that certain basic information be posted on an agency's website if one exists. Below is the verbatim language from the law along with the compliance rate for the agencies included in the sample that maintain a website.

<i>"Posting - The following information shall be posted at each agency and, if the agency maintains an Internet website, on the agency's Internet website:"</i>	
Contact information for the agency open-records officer	84% comply
Contact information for the Office of Open Records or other applicable appeals officer	48% comply
A form which may be used to file a request	80% comply
Regulations, policies, and procedures of the agency relating to this act	54% comply

73 percent of agencies provide contact information for the agency open records officer, contact information for the Office of Open Records, and a request form.

No RTKL request information was posted for 29 agencies in the sample. This includes:

- Two agencies that do not operate a website;
- Eleven police departments that utilize the municipality's website and RTKL process; and
- Sixteen agencies that operate a website but the OOR could not locate any RTKL information.

The OOR wrote, both by mail and email, to 16 agencies with websites that did not provide RTKL information and requested a response by a certain deadline. Fifteen agencies subsequently posted RTKL information to their websites and one agency said that they are in the process of updating their website with the information.

ENHANCED RTKL REQUEST INFORMATION⁴

Some agencies go beyond the legal requirements by providing RTKL request information that simplifies the process making it easier for inexperienced requesters. Such an approach benefits both the public and the agency by minimizing confusion and mistakes and increasing efficiency.

Overall, the agencies in the sample maintain websites that are satisfactory in their posting of RTKL information that is prominent or easy to locate:

- 49% have a link to RTKL information on their homepage (on page or in drop-down menu);
- 65% have a website search bar which successfully produces RTKL info when searching for “Right to Know”; and
- 75% can use a search engine (ex. Google) to successfully locate RTKL page when searching agency name and “Right to Know”.

A majority of agencies provide multiple ways to contact their Agency Open Records Officer (AORO):

- 71% provide the AORO name;
- 70% provide an AORO email address (including 31% who utilize a resource account);
- 75% provide an AORO phone number;
- 83% provide an AORO mailing address;
- 60% provide an AORO fax number; and
- 45% provide all of the above information.

It is helpful to both the agency and the public when frequently requested information is posted to the agency webpage. This effective approach reduces the amount of RTKL requests, saving everyone time. In our sample, just four percent proactively provide these types of records on their webpage.

⁴ All the subsequent figures are among agencies that maintain a website.

BEST PRACTICES

An agency dedicated to transparency should use its website to provide comprehensive, accessible information on how to submit an RTKL request. Ideally, a first-time requester should need only a few minutes to locate all the information required to make their request.

Outlined below are best practices for RTKL webpages.

1. **Easy to locate.** Finding where RTKL information is located on a website should not be an arduous task. Appendix B provides screenshots of good examples. The RTKL request information should be:
 - Linked to a homepage, either in a bottom banner or in a drop-down menu that is easily noticed and user-friendly, and
 - Searchable via search engine and via search function on the website (if one exists) and easily found using common sense terms that apply to the RTKL process.
2. **Comprehensive information for AORO.** The name, phone number, email address, mailing address, and fax number should be displayed.
3. **A resource email account for the AORO.** Using a resource account instead of the AORO's unique email address helps prevent missed statutory deadlines in the event that the AORO is out-of-office or leaves the agency.
4. **Printable and electronic request forms.** Not all households are equipped with scanners; an agency should provide for electronic submission of RTKL request forms, as well as a printable version.
5. **Provide current contact information for the OOR with clear explanation of role and timeline of appeal.** Several agencies display outdated contact information for the OOR⁵; others display information in a way that leads individuals to infer that initial RTKL requests should be submitted to the OOR. This is evidenced in part by the over 1,000 misdirected RTKL requests the OOR receives each year. Appendix C displays a good example of how to communicate the OOR's role in the RTKL process.
6. **Include links to frequently requested items.** This can be either the actual records, or if misdirected, suggest where to obtain those records. A good example can be found on the [Community Academy of Philadelphia's website](#).

⁵ The OOR's current mailing address is 333 Market Street, 16th Floor, Harrisburg, PA 17101 and its current web address is www.openrecords.pa.gov

7. **Include regulations, policies, and procedures related to the RTKL.** If these exist, they should be included on the webpage.
8. **All police departments should include RTKL request info.** If a police department utilizes a local municipality's AORO, the police department's website (or webpage) should clearly explain that and include a link to that information.
9. **All the above should be provided on one webpage.** Each agency should have a centralized one-stop location for all RTKL request information. A good example of this is the [Department of Labor and Industry](#).

NEXT STEPS

In an effort to improve agencies' communication of RTKL information, the OOR created a simple, one-page sample webpage. This example is illustrated in Appendix D and is also available to download on our website at:

<https://www.openrecords.pa.gov/Documents//Appendix E-TransparencyTownship.docx>

We encourage the public to utilize this sample to compare it to the information their agency provides on its webpage and to refer their agency to it so that all the information necessary to successfully file a RTKL request is readily available.

ACKNOWLEDGEMENTS

The research and drafting of this report was spearheaded by the OOR's two summer of 2023 interns, Vivian Ealy and Ethan Lown.

APPENDIX A

Sample Breakdown

Boroughs (12)

- Blossburg Borough
- Camp Hill Borough
- Danville Borough
- Duncansville Borough
- East Stroudsburg Borough
- Huntingdon Borough
- Kittanning Borough
- Landisburg Borough
- Middleburg Borough
- Punxsutawney Borough
- Riegelsville Borough
- Shippensburg Borough

Charter Schools (5)

- Catalyst Academy Charter School
- Crispus Attucks Charter School
- Gillingham Charter School
- Richard Allen Preparatory Charter School
- Sugar Valley Rural Charter School

Cities (10)

- Butler City
- Coatesville City
- Erie City
- Latrobe City
- Lock Haven City
- Reading City
- St. Mary's City
- Sunbury City
- Titusville City
- York City

Community Colleges (3)

- Bucks County Community College
- Community College of Beaver County
- Luzerne County Community College

School Districts (20)

- Austin Area School District
- Central Fulton School District
- Cranberry Area School District
- Dubois Area School District
- Everett Area School District
- Forest Area School District

Counties (5)

- Allegheny County
- Franklin County
- Lehigh County
- McKean County
- Potter County

Cyber Charter Schools (3)

- Agora Cyber Charter School
- SusQ-Cyber Charter School
- 21st Century Cyber Charter School

Municipal Authorities (3)

- Beaver Falls Municipal Authority
- McKean County Conservation District
- West View Water Authority

PA State System of Higher Education (3)

- East Stroudsburg University
- Indiana University of Pennsylvania
- Slippery Rock University

Police Departments (16)

- Abbottstown Borough Police Department
- Athens Township Police Department
- Bensalem Township Police Department
- Conemaugh Township Police Department
- DuBois Police Department
- East Union Township Police Department
- Ferguson Township Police Department
- Forest City Borough Police Department
- Grove City Borough Police Department
- Indiana Borough Police Department
- Johnstown City Police Department
- Lebanon Police Department
- Mifflin County Regional Police Department
- Norristown Police Department
- Northampton Borough Police Department
- South Whitehall Township Police Department

Commonwealth Agencies (1)

- Southeastern Pennsylvania Transportation Authority (SEPTA)

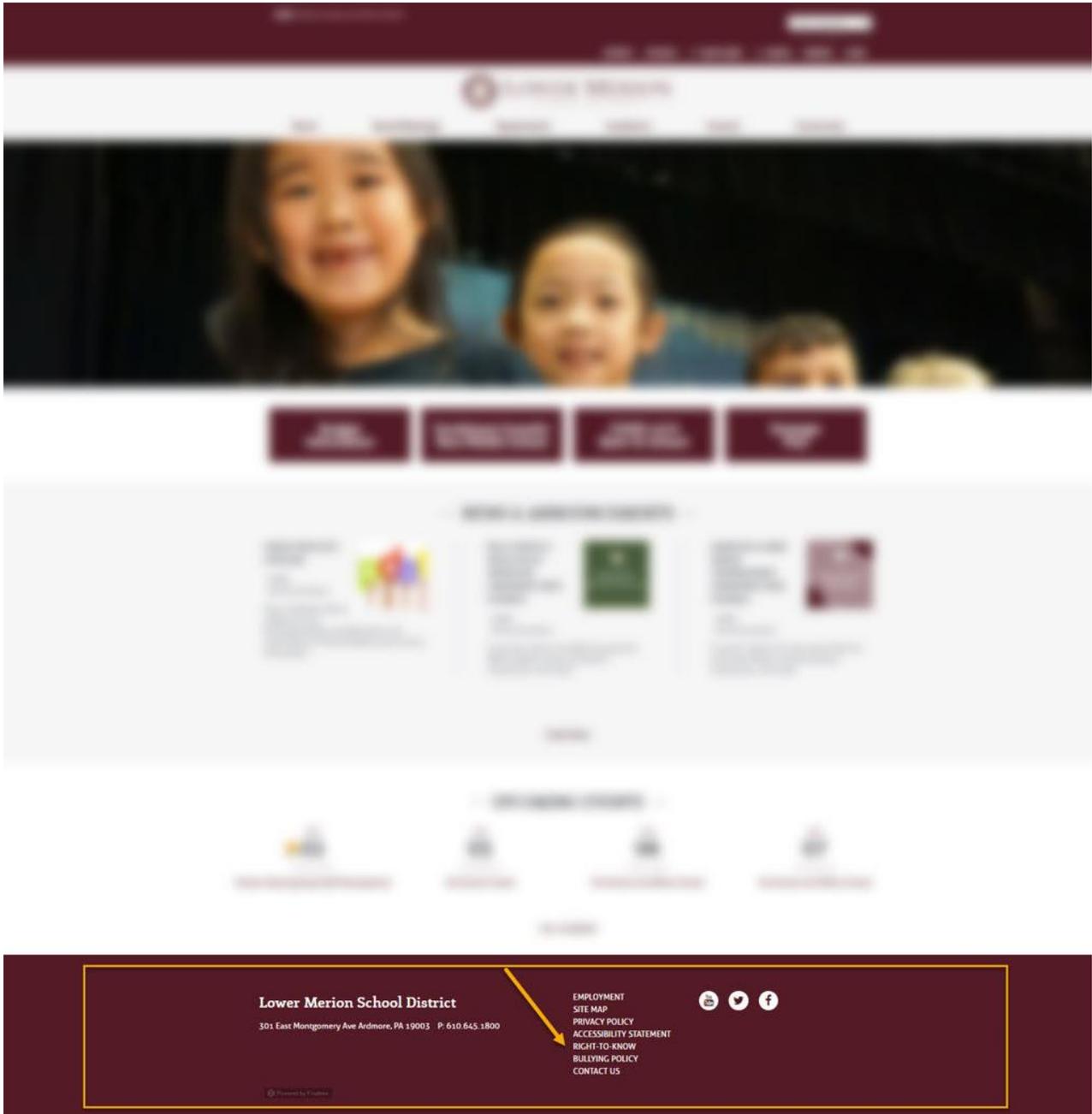
- Fort Cherry School District
- Frazier School District
- Governor Mifflin School District
- Jefferson-Morgan School District
- Juniata County School District
- Mifflinburg Area School District
- Penn-Delco School District
- Pottstown School District
- Reynolds School District
- Tamaqua Area School District
- Union Area School District
- Wallenpaupack Area School District
- Weatherly Area School District
- Williamsport Area School District

Townships (15)

- Benton Township
- Cascade Township
- Cecil Township
- Clarion Township
- Elkland Township
- Glade Township
- Grove Township
- Harmony Township
- Lemon Township
- Middle Paxton Township
- Mt. Joy Township
- Oregon Township
- Ridley Township
- South Center Township
- Upper Tyrone Township

APPENDIX B

Example of RTKL Info on Homepage Footer



Example of RTKL Info on Homepage Drop Down Menu

The screenshot shows the Clinton County Pennsylvania homepage. At the top right, there are links for Login, Jobs, RFP, Resources, and Contact Us. The main header features the Clinton County logo and the tagline "Where Rivers and Valleys meet Mountains and Sunsets", along with a "SERVICE FINDER" button. Below the header is a navigation bar with four main categories: "I WANT TO...", "GOVERNMENT", "ABOUT US", and "DEPARTMENTS". The "GOVERNMENT" category is expanded into a dropdown menu with the following sections:

- Auditors**
- Commissioners**
 - Meeting Schedules
 - Meeting Minutes
 - Preliminary/Final Budget
 - County Audit Reports
 - Right to Know
- Coroner**
 - Obtain Death Certificates
 - Documents and Forms
- Court Services**
 - County Courts
 - District Judges
 - Domestic Relations
 - Probation
 - Victim & Witness
- District Attorney**
 - Attorney Profile
 - CRIMEWATCH
- Prothonotary**
 - Passport Information
- Register & Recorder**
 - Genealogy
 - Marriage License
 - Military Discharges
 - Orphans Court
 - Register of Wills
 - Recorder of Deeds
- Sheriff**
 - Sheriff Sale Programs
 - Warrants
- Treasurer**
 - Bingo
 - Boat Registration and Titling
 - Dog License
 - Hunting License
 - Small Games of Chance
 - Sportsman Firearm Permit
 - Repository List Properties

Below the dropdown menu are five circular icons representing services: COURT FORMS, COUNTY DIRECTORY, ONLINE MAPPING, PARTNERSHIP, and PUBLIC RECORDS. At the bottom, there are three sections: "FACEBOOK" (Clinton County Government, 2.1K likes), "NEWS" (County Partnerships Create Garden, Martin gives update on KC new school year), and "EVENTS" (Central Court 12:00 AM, Criminal Court 12:00 AM).

APPENDIX C

Example of Explaining the Role of OOR



GOVERNMENT ↓
YOUR ADMINISTRATION

DEPARTMENTS ↓
GET USEFUL INFO

NEWS CENTER
STAY CURRENT

DOCUMENT CENTER ↓
GET IN THE KNOW

GET IN TOUCH
COMMENTS/CONCERNS

QUICK LINKS:

[RIGHT-TO-KNOW](#)

[ADA JOINT COMMITTEE](#)

[ADA CITIZEN COMPLAINT REPORT](#)



How to File an Appeal

If an Agency denies a record, or a portion of a record, the requester has a right to [file an appeal with the Office of Open Records](#). The appeal must be submitted to the Office of Open Records within 15 business days of the mailing date of the Agency's response. Appeals should be sent to the Office of Open Records, 333 Market Street, 16th Floor, Harrisburg, PA 17101-2234. They may also be submitted via facsimile to 717-425-5343 or via [email](#) as a Microsoft Word or PDF attachment. All appeals must be in writing and shall include the following information that may be submitted using the [OOR's Appeal Form](#):

- A copy of the original Right-to-Know Request.
- A copy of the denial letter submitted by the Agency. (If the agency does not respond in writing within five business days, the request is "deemed denied" [i.e., automatically denied] and can be appealed.)
- State the grounds you believe the record is a public record – you must state why you believe the requested record is a public record – a general statement that the record is public under the Right-to-Know Law is insufficient.
- Address all grounds that the Agency raised in its denial – you must state why you believe each of the agency's denial, arguments, and exemptions are incorrect – a general statement that the agency is incorrect is insufficient.

The Office of Open Records is required to dismiss any appeal that does not include this information.

NOTE: Appeals which are filed by hard copy (i.e., by mail) **MUST** be submitted on 8 ½ x 11 or 8 ½ x 14 inch paper. Failure to submit hard copy appeals on 8 ½ x 11 or 8 ½ x 14-inch paper will result in the appeal being **DISMISSED**, unless the party filing the document specifically seeks and is granted permission to file non-conforming papers. Any other documents filed in an appeal should be filed on 8 ½ x 11 or 8 ½ x 14-inch paper to the extent possible.

When the Office of Open Records receives the appeal, it has 30 days from the date of receipt of the appeal to issue a Final Determination.

The Office of Open Records may conduct a hearing (which is a non-appealable decision) or an in-camera review. It may decide the case on the basis of the information filed with the Office. It may seek additional information from the involved parties. In most cases, the Office of Open Records will issue a Final Determination based on information and evidence provided to our Office without conducting a hearing.

When the Office of Open Records issues a Final Determination it is binding on the Agency and requester. If the Agency or the requester wants to appeal the ruling of the Office of Open Records, the appeal must be filed with the appropriate court within 30 calendar days of the mailing of the Final Determination by the Office.

If the parties appeal a Final Determination to Commonwealth Court or a Court of Common Pleas, the Right-to-Know Law requires that the Office of Open Records be served notice of the appeal.

APPENDIX D

Prototype of Ideal RTKL Webpage

TRANSPARENCY TOWNSHIP



Home

Government

Services

Links

Contact

Right-to-Know Law

Requesting Transparency Township Records

Requests for records must be addressed to the Agency Open Records Officer and can be submitted by email, fax, mail, or in person. The request should be specific and not seek answers to questions. After filing a request, a response will be issued within 5 business days.

Transparency Township's Open Records Officer is:

Jane Smith,
Transparency Township
123 Main Street
Transparency, PA 17123
Phone: 123-555-6789
Fax: 123-555-6790

OpenRecords@TransparencyTwp.com

Important Documents:

[Right-to-Know Law Request Form](#)
[Right-to-Know Law Policy](#)
[Right-to-Know Law](#)

Commonly Requested Records:

[Audits](#)
[Contracts](#)
[Meeting Minutes](#)

Important Links:

[Office of Open Records' Website](#)
[Office of Open Records' Fee Schedule](#)

Filing an Appeal

When a request is denied or deemed denial, a requester may file an appeal to the Pennsylvania Office of Open Records. The appeal must be filed within 15 business days of the denial or deemed denial date. The appeal must also include the request, agency denial if one exists, address agency grounds that the request was denied, and state why you believe the records are public records. An appeals officer will determine if the record(s) is subject to public access.

An appeal may be filed to the Office of Open Records via its [Online Appeal Form](#), email, fax, or in person at:

Office of Open Records
333 Market Street, 16th Floor
Harrisburg, PA 17101-2234
Phone: 717-346-9903
Fax: 717-425-5343
Email: openrecords@pa.gov

APPENDIX E

About the OOR

The Office of Open Records (OOR) was created in 2008 after the passage of Pennsylvania's Right-to-Know Law (RTKL). The objective of the RTKL is to empower citizens by providing access to information concerning governmental activities.

As an independent quasi-judicial agency, the office is authorized to hear and decide appeals from requesters who have been denied access to records by state and local agencies. Since 2008, the OOR has decided more than 30,000 appeals. The OOR also provides formal training on the RTKL, as well as Pennsylvania's Sunshine Act. More information about the OOR can be found on its website, www.openrecords.pa.gov